



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,031	09/26/2006	Yoshitugi Hashiba	MIYG.0002	2343

7590 12/22/2008  
Stanley P. Fisher  
REED SMITH LLP  
Suite 1400  
3110 Fairview Park Drive  
Falls Church, VA 22042

EXAMINER
----------

DESAI, HEMANT

ART UNIT	PAPER NUMBER
----------	--------------

3721

MAIL DATE	DELIVERY MODE
-----------	---------------

12/22/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/567,031	<b>Applicant(s)</b> HASHIBA ET AL.	
	<b>Examiner</b> Hemant M. Desai	<b>Art Unit</b> 3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-9,11-13,16-18 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-9,11-13,16-18 and 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/21/2008</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/26/2008 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-9, 11-13, 16-18, and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (5170609) in view of Tramposch (6131368).

Bullock et al. disclose a packaging apparatus comprising a charging device for charging object into a storage bag (see col.6, lines 30-35) having an open end, an air removing device (56a, 56b, figs. 1-2) for expelling air from the storage bag into which the object has been charged, and a sealing device (28a, 28b, 29a, 29b, figs. 1-2) for sealing the open end of the storage bag from which the air has been expelled, wherein the sealing device is actuated with a slight delay after the air has been expelled from the storage bag by the air removing device (see col. 6, lines 43-48), which meets all the

Art Unit: 3721

claimed limitations. The phrase “the granular object....gas”, claim 1, lines 2-3, “wherein ....sealed bag (lines 13-14 of claim 1 and lines 14-15 of claim 6) is functional language and therefore no patentable weight is given.

Bullock et al., as mentioned above, discloses the claimed apparatus, except for charging adsorbent granular object at elevated temperature (heating device to heat the granular object). However, Tramposch discloses that it is known in the art to pack the adsorbent granular object at elevated temperature (see the entire document). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the adsorbent granular object at elevated temperature as taught by Tramposch in the packaging apparatus of Bullock et al. to manufacture the packages of adsorbent granular object.

Regarding claim 2, Bullock et al. disclose that the storage bag is formed by sealing a tube transversely.

Regarding claims 3 and 11, Bullock et al. disclose that the air-removing device pinches the storage bag, into which the object has been charged, to expel air therefrom.

Regarding claim 6, the modified packaging apparatus of Bullock et al. disclose a sealing device (28a, 28b, figs. 1-2) for sealing a tube transversely at a first position, a hopper (not shown), charging device (see col. 30-35) for charging object into the tube sealed at the first position, and a pinching device (56a, 56b) for pinching the tube into which the granular object has been charged, wherein the tube is sealed transversely at a second position (29a, 29b) opposite the first position with respect to the pinched part, and wherein the sealing device is actuated with a slight delay after the pinching device

Art Unit: 3721

has been actuated (see col. 6, lines 43-48). Tramosch, as explained above, teaches to supply heated adsorbent granular object in the packaging apparatus of Bullock et al. for manufacturing the packages of adsorbent granular object packing.

Regarding claim 7, Bullock et al. disclose many variations and alternative drives to drive the sealing and pinching members (see col. 7, lines 3-17).

Regarding claims 8 and 16, Bullock et al. disclose that a face for pinching the tube is elastic and of a shape corresponding to a shape of tube containing the granular object.

Regarding claims 9 and 17-18, Bullock et al. disclose a measuring and packaging apparatus for measuring and packaging a granular object comprising a packaging apparatus of Claim 1, and a measuring device (see col. 30-35) for measuring the granular object to be supplied to the packaging apparatus.

Regarding claim 22, as mentioned above, the modified method of Bullock et al. disclose all the steps claimed in 22.

Regarding claims 4, 12-13 and 24, the modified apparatus and method of Bullock et al. teaches for filling granular material having adsorption ability.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4, 6-9, 11-13, 16-18, 21-25 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hemant M. Desai whose telephone number is (571) 272-4458. The examiner can normally be reached on 6:30 AM-5:00 PM, Mon-Thurs..

Art Unit: 3721

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I. Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hemant M Desai/  
Primary Examiner, Art Unit 3721